

Sioux Falls, SD  
Water Source Protection Overlay District  
Contact: Russ Sorenson/ Mike Cooper  
(605) 339-7104  
Zoning Ordinance  
Adopted: 1990  
Revised: 1991

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF SAID CITY BY REVISING the Water Source Protection Overlay District Map described in Section 15.43.088 TO APPENDIX B: by amending subsection (a);

BE IT ORDAINED BY THE CITY OF SIOUX FALLS, SD:

Section 1. That Section 15.43.088(a), Description of the Water Source Protection Overlay District Map of the Code of Ordinances be amended as shown in EXHIBIT A, attached.

Date adopted:\_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Manfred Szameit, Finance Director

B1O1-109/WPI1O1/B1O1  
WATER SOURCE PROTECTION OVERLAY DISTRICT

## 15.43.088 WATER SOURCE PROTECTION OVERLAY DISTRICT

### A. Description

The Water Source Protection Overlay District is an overlay district consisting of two separate protection areas, known as: the Water Source Protection Area--Zone 1 and Water Source Protection Area--Zone 2 as shown on the Water Source Protection Overlay District map of the City of Sioux Falls. The official map shall be on file at the City Clerk's Office and the City Zoning Services Division.

### B. Intent

The City of Sioux Falls recognizes that the Big Sioux Aquifer System, along with the Skunk Creek Aquifer System; and associated drainage basins are its primary source of high-quality, potable drinking water, and must be protected from leaks and spills or threatened leaks or spills of contaminants in such quantities as may result in adverse effects to water sources by establishing a comprehensive water source protection plan. Pursuant to the authority provided by South Dakota statute, and in the interest of securing the public health, safety, and general welfare, the City of Sioux Falls desires to preserve the quality and quantity of the City's water resources, and to ensure a safer and adequate water supply for present and future generations by preserving and protecting water resources currently in use, and those having a potential for future uses as a public water supply, while at the same time continuing to foster and promote reasonable and environmentally responsible economic growth.

The purpose of these regulations is to ensure the safety of the potable water supply for the City of Sioux Falls. This ordinance will establish procedures and criteria for reviewing and restricting land uses which have the potential to pollute water sources in designated water source protection zones.

### C. Water Source Protection Overlay District Use Regulations

Any activity on, or use of, any land which lies within the Water Source Protection Overlay District shall conform to the following regulations and procedures. The purpose of these regulations is to maintain the natural quality of the water resources and to that end, to require the use of all available practical methods of preventing and controlling water pollution from sewage, industrial wastes, and other contaminants.

1F25-020/WP/025/OI/1F25 15.43-17 Revised 5/90  
WATER SOURCE PROTECTION OVERLAY DISTRICT

#### 1. Activities and Uses Regulated

##### a. Water Source Protection Overlay Districts

Aquifer Protection Area      Aquifer Protection Area

USE	ZONE 1	ZONE 2
Residential	Same as underlying zoning district uses, except that no septic systems shall be allowed.	Same as underlying zoning district uses, except that no septic systems shall be allowed.
Industrial	Same as underlying zoning district uses. No uses which are unique to I-2 Districts shall be permitted.	All uses in the I-1 District shall be subject to approval by Conditional Use Permit. No uses which are unique to I-2 Districts shall be permitted.
Commercial, Office, and Institutional	Same as underlying zoning district uses.	All uses shall be subject to Approval by Conditional Use Permit.
Agricultural and Recreation/Conservation	Same as underlying zoning district uses, except that sanitary landfills, septic systems, cemeteries, commercial feedlots, and salvage yards shall not be permitted.	Same as underlying zoning district uses, except that sanitary landfills, septic systems, cemeteries, commercial feedlots, and salvage yards shall not be permitted.

b. All areas within the Water Source Protection Overlay District which are annexed to the City after the effective date of this ordinance shall be connected to the Sioux Falls sanitary sewer system at the time of development. If surface features or other conditions prohibit connection to the Sioux Falls sanitary sewer system, a closed waste system, such as a holding tank or a system just as effective, as determined by the City Engineer or his/her authorized representative, shall be installed.

c. No use shall be allowed in any zone which involves the treatment, manufacture, or disposal of hazardous materials or which utilizes a surface impoundment or any underground injection well.

## 2. Review Procedure--Screening Committee

Permits for new uses or changes in existing uses shall be required to meet all other City requirements including, but not limited to, requirements for underground storage tanks, sewer discharge permits, and storage of contaminants or hazardous materials. These new uses or changes in use, as well as any new developments, or any changes from current uses which are within the Water Source Protection Overlay District, will be reviewed by the Screening Committee, except for residential uses which are connected to the Sioux Falls sanitary sewer system.

This review by the Screening Committee shall involve an analysis of each proposal, including, but not limited to:

- a. Type of new or changed use, development, or operation
- b. The quality, quantity, concentration, physical, chemical, or infectious characteristics of contaminants or hazardous material;
- C. Storage or use of contaminants or hazardous materials;
- d. Leak or spill prevention methods;
- e. Contingency plans;
- f. The adverse effects of contaminants or hazardous materials, including the probability that any leak or spill would contaminate groundwater;
- g. Compliance with other city, state, or federal regulations.

The purpose of this review shall be to determine if any new development or any change in a new or existing use in the Water Source Protection Overlay District should be exempted from further review by the Environmental Impact Committee.

The Screening Committee shall also have the power to recommend to the Planning Commission denial of any proposed uses or developments which it finds to have the potential to pollute water sources in the overlay district.

All decisions shall be made based upon consideration of the factors outlined above, and the affected party shall submit all information as required by the Screening Committee. Any decision by the Screening Committee to not refer a proposed use to the Environmental Impact Committee must be unanimous. Decisions by the Screening Committee shall be made within seven (7) working days of referral of the proposed use to the committee unless the committee votes to extend the decision deadline an additional seven (7) days.

### 3. Review Procedures--Environmental Impact Committee

The Environmental Impact Committee shall review all proposed uses within the Water Source Protection

Overlay District not exempted by the Screening Committee.

This review by the Environmental Impact Committee shall involve an analysis of each new or change use, including, but not limited to:

- a. Type of new or changed use, development, or operation;
- b. The quality, quantity, concentration, physical, chemical, or infectious characteristics of contaminants or hazardous materials;
- C. Storage or use of contaminants or hazardous materials;
- d. Leak or spill prevention methods;
- e. Contingency plans;
- f. The adverse effects of contaminants or hazardous materials, including the probability that any leak or spill would contaminate groundwater;
- g. Compliance with other city, state, or federal regulations.

This review process shall determine if a conditional use permit is required for any use in the overlay district, and if any proposed requirements, with respect to conditional use permits, shall be recommended to the Planning Commission. However, a conditional use permit, as required by the underlying zoning district, may not be exempted by the Environmental Impact Committee.

The committee shall select a chairperson who shall vote only in cases of a tie vote among the other members or when his/her vote is necessary to achieve a quorum. Four committee members constitute a quorum, and a quorum shall be required to decide matters brought before it

The Environmental Impact Committee shall review and make a decision on matters brought before it within thirty (30) days of the date the matter is received by the committee chairperson. If it is not possible for the decision to be made within thirty (30) days, the committee may extend the decision deadline fourteen (14) days. The committee shall advise the affected party of the extension and reasons therefore. Determination by the committee that a conditional use

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permit is required may be appealed as provided under Section 15.63 of the Revised Ordinances of Sioux Falls.

1F25-020/WP/025/OI/1F25 15.43-21 Revised 5/90

IF25-020/WP/025/OI/1F25 15.43-20 Revised 5/90

ITEM 12. AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF SAID CITY by amending the Water Source Protection Overlay District Map described in Section 15.43.088 (a)

## ANALYSIS

The purpose of the Water Source Protection Overlay District is to protect and ensure the quality of our drinking water by giving the City the ability to scrutinize more closely proposed land uses for sites over the Big Sioux River aquifer and related aquifers.

Since the Water Source Protection Overlay District was adopted in 1990, additional information from the State Geological Survey has been obtained regarding aquifer boundaries. The proposed amendments include:

- 1) Amend an area west of the airport from Zone 2 to Zone 1, thereby making all of the overlay district within the city limits consistent. The major difference between the two zones is that industrial commercial uses are not automatically a conditional use in Zone 1, but would still go through the Screen Committee for review.
- 2) Add an area along the Big Sioux River east of Cliff Avenue to Zone 1, based on updated State Geological Survey information. This area was not included in the original map because information was not available to confirm the property to be included.

## RECOMMENDATIONS

The planning staff supports these amendments and recommends approval. A previous request from the property owner to delete the area referred to as the Tickman Industrial Park from the overlay district is not being considered as part of this item. Information from Michael Hohn was distributed to the Planning Commission in June regarding why the Tickman Industrial Park should remain in the overlay district. The Planning Commission should direct staff whether or not to discuss that issue at a separate hearing.